

3. 35 U.S.C. 103(a) Rejections

a) 103(a) Rejections over Cihanek in view of Kaufman

Claims 4, 5 and 7 were rejected for obviousness over the combination of Cihanek, U.S. Patent No. 5,813,569 ("Cihanek") and Kaufman, U.S. Patent No. 5,335,816 ("Kaufman").

Neither Cihanek nor Kaufman teaches, suggests or provides a reason for having a retention mechanism to retain a portion of said at least one item in the automated freezer when said cartridge is removed from the automated freezer, as required by claims 4, 5 and 7. As discussed in the 102(b) section above, Cihanek does not teach or suggest the claimed retention mechanism comprising at least one moveable retention member.

Kaufman also does disclose, suggest or provide a reason for having any type of retention mechanism to retain a portion of said at least one item in the automated freezer. Kaufman does not disclose any type of freezer compartment. Kaufman discloses storage compartments that can be individually removed from the housing to be refilled with medication blister packs. Col. 5, lines 53-57. Similar to Cihanek, the module disclosed in Kaufman is able to be refilled by hand while in use. Col. 5, lines 25-36. When the module in Kaufman is removed, no retention mechanism holds medication remaining in the housing. As seen in Figs. 8 and 11 of Kaufman, no medication can be left behind in the storage compartment when the modules are removed.

For at least the foregoing reasons, this rejection should be withdrawn.

b) 103(a) Rejections over Cihanek in view of Mishina

Claims 6, 8 and 20 were rejected for obviousness over the combination of Cihanek and Mishina, U.S. Patent No. 5,555,965 ("Mishina").

Neither Cihanek nor Mishina teaches, suggests or provides a reason for having a retention mechanism to retain a portion of said at least one item in the automated freezer when said cartridge is removed from the automated freezer, as required by

claims 6, 8 and 20. As discussed above, Cihanek does not disclose or suggest the claimed retention mechanism comprising at least one moveable retention member.

Mishina also does not disclose, suggest or provide a reason for any type of retention mechanism to retain a portion of said at least one item in the automated freezer. Mishina discloses a vending machine that dispenses various objects. Col. 2, lines 12-21. As seen in Figs. 4A and 4B, the products are stacked to be dispensed by gravity, without the presence of any removable cartridge. Col. 7, lines 36-45; col. 8, lines 30-40. In addition, Mishina does not disclose any type of cooling or freezer compartment.

Also, neither Cihanek nor Mishina teaches, suggests or provides a reason for retaining a portion of the at least one item in the automated freezer after the step of removing the cartridge, as required by claims 6, 8 and 20. As discussed above, Cihanek and Mishina do not disclose or suggest retaining any items in the freezer compartment after the cartridge is removed.

For at least the foregoing reasons, this rejection should be withdrawn.

c) 103(a) Rejections over Cihanek in view of Tansley

Claim 9 was rejected for obviousness over the combination of Cihanek and Tansley, U.S. Patent No. 2,315,827 ("Tansley").

Neither Cihanek nor Tansley teaches, suggests or provides a reason for a retention mechanism to retain a portion of at least one item in the automated freezer when the cartridge is removed from the automated freezer, as required by claim 9. As discussed above, Cihanek does not teach or suggest a retention mechanism comprising at least one moveable retention member to retain a portion of at least one item in the automated freezer when the cartridge is removed from the automated freezer.

Tansley also does not teach, suggest or provide a reason any type of retention mechanism to retain a portion of at least one item in the automated freezer when the cartridge is removed. Tansley does not disclose or suggest having a removable cartridge or any type of freezer compartment. Similar to Cihanek, the module disclosed in Tansley is able to be refilled by hand while in use, as seen in Fig. 1. Cups are merely

dropped into the device, and then pulled out by hand on the other side. Col. 2, lines 26-33. In addition, the jaws are not of fixed proportions, being radially adjustable to fit various cup diameters. Col. 1, lines 42-49. Thus, the cups are able to be removed easily by hand, and are not retained.

For at least the foregoing reasons, this rejection should be withdrawn.

d) 103(a) Rejections over Cihanek in view of Covington

Claims 10-12 were rejected for obviousness over the combination of Cihanek and Covington, U.S. Patent No. 4,142,863 ("Covington").

Neither Cihanek nor Covington teaches or suggests a retention mechanism to retain a portion of at least one item in the automated freezer when the cartridge is removed from the automated freezer, as required by claims 10 and 12. As discussed above, Cihanek does not disclose a retention mechanism comprising at least one moveable retention member to retain a portion of at least one item in the automated freezer when the cartridge is removed from the automated freezer.

Covington also does not teach or suggest any type of retention mechanism to retain a portion of said at least one item in the automated freezer. Covington does not disclose or suggest having a removable cartridge or any type of freezer compartment. Covington discloses a stack of slides that are removed by the insertion of a push blade that moves aside a pair of tabs, as seen in Fig. 3. Col. 2, lines 53-64. Covington does not disclose or suggest having any type of retention member in the cartridge to prevent the slides from falling out of the display. The Covington invention as disclosed does not need a retention member to keep the reagent slides from falling out because the slides are in a closed container. Covington also does not disclose how the casing parts 12 and 14 are connected, or suggest that they would be connected removably. However, the way the parts are shown being assembled in Fig. 3 indicates that the internal assembly would fall apart if the parts were separated.

For at least the foregoing reasons, this rejection should be withdrawn.

CONCLUSION

In view of the foregoing, all of the rejections have been overcome and claims 1, 4-12, and 18-29 are allowable. An early indication of allowance is solicited.

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